HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.29760 of 1998

Dated 14th Day of March, 2007

Between:

Vadla Narayana .. Petitioner

And

The Joint Collector, Mahabubnagar and four others .. Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the proceedings dated 5.11.1997 of the 1st respondent as arbitrary, illegal and contrary to the provisions of A.P. (Telangana Area) Abolition of Inams Act, 1955.

The brief facts of the case are that originally the mother of the petitioner was the Inamdar of the land of an extent of 20 guntas in S.No.7 and Ac.04.00 cents of land in S.No.279/AA situated in Jadcherla village, Mahabubnagar District. Her mother executed a registered will deed dated 10.2.1958 bequeathing all her properties in favour of the petitioner and since then the petitioner has been in possession and enjoyment of it. Later, the 2nd respondent also granted Occupancy Rights Certificate to the petitioner, vide proceedings dated 3.12.1998. Now, the grievance of the petitioner is that when the unofficial respondents 3 to 5, preferred an appeal questioning the order of the 2nd respondent, the 1st respondent allowed it quashing the Occupancy Rights Certificate without assigning any valid reasons.

Having heard the learned counsel for both the parties this Court is of the view that the 1st respondent-appellate authority, instead of cancelling the Occupancy Rights Certificate issued in favour of the petitioner, should have remanded the matter to the original authority i.e. the 2nd respondent for fresh disposal in accordance with law.

Hence, this writ petition is allowed setting aside the order of the 1st respondent and remanding the matter to the original authority i.e. the 2nd respondent-Revenue Divisional Officer, Mahabubnagar for fresh consideration and disposal of the matter in accordance with law. The original authority shall have to afford an opportunity to the petitioner as well as respondents 3 to 5 to put forth their grievances, and then pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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14.03.2007

bcj